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7 PALANTIR TECHNOLOGIES INC.,
8 Plaintiff,
9 v.
10 MARC L. ABRAMOWITZ, et al.,
11 Defendants.

Case No. 19-cv-06879-BLF

**ORDER GRANTING DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

[Re: ECF 150]

12 Before the Court is Defendants' administrative motion to file under seal portions their brief
13 and exhibits submitted in support of their motion for relief from nondispositive pretrial order of
14 magistrate judge. Mot., ECF 150. Defendants request sealing because the materials contain
15 references to Plaintiff's alleged trade secrets. Mot. 1. The parties filed a joint stipulation in support
16 of Defendants'" motion to seal. Stipulation, ECF 150-2. For the reasons stated below, Defendants'
17 motion is GRANTED.

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19 **I. LEGAL STANDARD**

20 "Historically, courts have recognized a 'general right to inspect and copy public records
21 and documents, including judicial records and documents.'" *Kamakana v. City and County of
22 Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'nns, Inc.*, 435
23 U.S. 589, 597 n.7 (1978)). Consequently, filings that are "more than tangentially related to the
24 merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for
25 Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only
26 tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at
27 1097.
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1 Sealing motions filed in this district also must be “narrowly tailored to seek sealing only of
2 sealable material, and must conform with Civil L.R. 79-5(d).” Civil L.R. 79-5(b). Under Civil
3 Local Rule 79-6(d), the submitting party must attach a “proposed order that is narrowly tailored to
4 seal only the sealable material” which “lists in table format each document or portion thereof that
5 is sought to be sealed.” In addition, a party moving to seal a document in whole or in part must file
6 a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A).
7 “Reference to a stipulation or protective order that allows a party to designate certain documents
8 as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*
9 Where the moving party requests sealing of documents because they have been designated
10 confidential by another party or a non-party under a protective order, the burden of establishing
11 adequate reasons for sealing is placed on the designating party or non-party. Civ. L.R. 79-5(e).
12 The moving party must file a proof of service showing that the designating party or non-party has
13 been given notice of the motion to seal. *Id.* “Within 4 days of the filing of the Administrative
14 Motion to File Under Seal, the Designating Party must file a declaration . . . establishing that all of
15 the designated material is sealable.” Civ. L.R. 79-5(e)(1). “If the Designating Party does not file a
16 responsive declaration . . . and the Administrative Motion to File Under Seal is denied, the
17 Submitting Party may file the document in the public record no earlier than 4 days, and no later
18 than 10 days, after the motion is denied.” Civ. L.R. 79-5(e)(2).

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20 II. DISCUSSION

21 Documents containing commercially sensitive information have been held sealable in this
22 Circuit. *See, e.g., In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (sealing exhibit
23 containing trade secrets and adopting definition of trade secret as “any formula, pattern, device or
24 compilation of information which is used in one’s business, and which gives him an opportunity to
25 obtain an advantage over competitors who do not know or use it”). The Court has reviewed
26 Defendants’ sealing motion and the declaration and joint stipulation submitted in support thereof.
27 The Court finds that the parties have articulated compelling reasons to seal certain portions of the
28 cited brief and exhibits. The proposed redactions are generally narrowly tailored. The Court’s

1 rulings on the sealing request is set forth in the table below.

<u>ECF No.</u>	<u>Document to be Sealed</u>	<u>Result</u>	<u>Reasoning</u>
150-5	Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge	GRANTED as to the portions of the document highlighted at: 2:7	This highlighted portion of the motion quotes the contents of a previously filed trade secrets disclosure and thus should be confidential. Melius Decl. ¶¶ 6-7.
150-6	Ex. 2	GRANTED as to the entire exhibit	This document contains alleged trade secrets and thus should be confidential. Decl. of Niels J. Melius ("Melius Decl.") ¶ 7, ECF 150-1.
150-7	Ex. 5	GRANTED as to the entire exhibit	This document contains alleged trade secrets and thus should be confidential. Melius Decl. ¶ 7.
150-8	Ex. 8	GRANTED as to the entire exhibit	This document contains alleged trade secrets and thus should be confidential. Melius Decl. ¶ 7.

III. ORDER

For the reasons set forth herein, the Court GRANTS Defendants' administrative motion to file under seal portions of the brief and exhibits submitted in support of the motion for relief from nondispositive pretrial order of magistrate judge.

IT IS SO ORDERED.

Dated: March 5, 2021



BETH LABSON FREEMAN
United States District Judge